

Article XIII. Transitional Provisions

Sec. 13.01. Repealing clause.

The following private and special laws of Maine, 1959, chapters 31 and 39, and 1961, chapter 173, and 1963, chapter 160, and all other acts and parts of acts of the private and special laws of Maine relating to the Town of Kittery, inconsistent with the provisions of this charter, are repealed.

Sec. 13.02. Separability.

If any provision of this charter is held invalid, the other provisions of the charter shall not be affected thereby.

Sec. 13.03. Short title.

This charter shall be known and may be cited as the "Council-Manager Charter of the Town of Kittery." The clerk shall cause it to be printed and made available to the public promptly.

Sec. 13.04. Expiration term of present elected officials.

The terms of all of the present elected town officials, including the school committee, shall expire when their successors are duly elected and inducted into office or appointed and sworn into office in November, 1967.

Sec. 13.05. Officers and employees.

- (1) Rights and privileges preserved. Nothing in this charter, except as otherwise specifically provided, shall affect or impair the rights or privileges of persons who are town officers or employees at the time of its adoption.
- (2) Continuance of office or employment. Except as specifically provided by this charter, if, at the time this charter takes full effect, a town administrative officer or employee holds any office or position which is or can be abolished by or under this charter, he/she shall continue in such office or position until the taking effect of some specific provision under this charter directing that he/she vacate the office or position.
- (3) Continuance of members of present boards. Members of all boards and commissions holding office at the time this charter takes effect shall continue in office until their term of office has expired and their successors have been duly appointed and qualified.
- (4) Personnel system. Any employee holding a town position at the time this charter takes full effect, who was serving in that same or a comparable position at the time of its adoption, shall not be subject to competitive tests as a condition of continuance in the same position, but in all other respects shall be subject to the personnel system provided for in section 5.02.

Sec. 13.06. Departments, offices and agencies.

- (1) Transfer of powers. If a town department, office or agency is abolished by this charter, the powers and duties given it by law shall be transferred to the town department, office or agency designated in this charter or, if the charter makes no provision, designated by the town council.
- (2) Property and records. All property, records and equipment of any department, office or agency existing when this charter is adopted shall be transferred to the department, office or agency assuming its powers and duties, but, in the event that the powers or duties are to be discontinued or divided between units or in the event that any conflict arises regarding a transfer, such property,

records or equipment shall be transferred to one or more departments, offices or agencies designated by the council in accordance with this charter.

Sec. 13.07. Pending matters.

All rights, claims, actions, orders, contracts and legal or administrative proceedings shall continue except as modified pursuant to the provisions of this charter and in each case shall be maintained, carried on or dealt with by the town department, office or agency appropriate under this charter.

Sec. 13.08. Municipal laws.

All town ordinances, resolutions, orders and regulations which are in force when this charter becomes fully effective are repealed to the extent that they are inconsistent or interfere with the effective operation of this charter or of ordinances or resolutions adopted pursuant thereto.

REFERENDUM; EFFECTIVE DATE; CERTIFICATE TO SECRETARY OF STATE. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters of the Town of Kittery at any special town election to be held on or before the 16th day of October, 1967, and warrants shall be issued for such election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of said town to meet in said town, there to cast their ballots on the approval or rejection of this Act.

The town clerk shall prepare the required ballots, which shall be substantially as follows:

	For the Charter	Against the Charter
"Shall 'An Act to Grant a New Charter for the Town of Kittery,' passed by the 103rd Legislature, be accepted?"	<input type="checkbox"/>	<input type="checkbox"/>

The voter shall write a cross or check mark in the appropriate box.

This Act shall take effect for the purpose of nominating and electing officers hereunder immediately upon its acceptance by a majority of the legal voters voting at said election, and for all other purposes this Act shall take effect immediately following the first election held under the provisions of this charter on the first Tuesday in November, 1967, with the officers to be installed in office on the 3rd Tuesday of November, 1967.

The result of the vote shall be declared by the municipal officers of the Town of Kittery and due certificate thereof shall be filed by the town clerk with the Secretary of State.

IN HOUSE OF REPRESENTATIVES, _____ 1967

Read three times and passed to be enacted.

Speaker

IN SENATE, _____ 1967

Read twice and passed to be enacted.

President

Approved _____ 1967

Governor

Sec. 13.09. Transitional [budget] provisions.

In order to provide for an orderly transition to a July 1 to June 30 fiscal year the council shall pass before July 1, 1978, an 18-month transitional budget for the period January 1, 1978 to June 30, 1979. The council shall set a date in December 1978 upon which taxes for the twelve months January 1978 through December 1978 become due and payable. The council shall set a date in June 1979 upon which taxes for the first six months of 1979 shall become due and payable. Thereafter the council shall annually set a date in December upon which taxes for the first six months of the current fiscal year shall be due and payable and a date in June upon which taxes for the second six months of the current fiscal year shall be due and payable. (Ord. No. 14-77, 10-4-77)